



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

DONNELLY et al.

Serial No.: 10/650,011

Filed: August 26, 2003

Atty. File No.: 5107-4

For: "METHOD FOR MONITORING
AND CONTROLLING
LOCOMOTIVES"

) Group Art Unit:

)

) Examiner:

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INFORMATION DISCLOSURE
STATEMENT

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) Express Mail Label: EL975240446US

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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited references are enclosed herewith.

☒ Copies of the cited references are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____

filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is drawn to the following co-pending applications:

Serial No. 10/083,587 filed February 26, 2002

Serial No. 10/649,286 filed August 26, 2003

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should

an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith is satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input checked="" type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 20px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. <div style="text-align: center; margin: 5px 0;">OR</div> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 20px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) </div> <p style="text-align: center; margin: 5px 0;">AND</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </div>

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS, P.C.

By: 

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Registration No. 37,739

1560 Broadway, Suite 1200

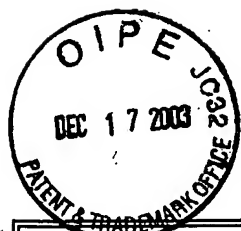
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Date: Dec. 16, 2003

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 5107-4	SERIAL NO. 10/650,011
	APPLICANT DONNELLY ET AL.	
	FILING DATE August 26, 2003	GROUP ART

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	384,580	06/12/1988	E. Julien			
	2	1,199,752	10/03/1916	C.W. Baker			
	3	1,377,087	05/03/1921	J.A. Manns			
	4	1,535,175	04/28/1925	R. Mancha			
	5	2,403,933	04/16/1946	T.O. Lillquist			
	8	2,472,924	06/14/1949	A.F. Schwendner			
	8	2,510,753	06/06/1950	R.H. Multhaup			
	8	3,169,733	02/16/1965	A.M. Barrett, Jr.			
	5	3,443,115	05/06/1969	J.W. Timmerman, Jr.			
	13	3,569,810	03/09/1971	Tom N. Thiele	318	341	
	11	3,596,154	7/27/1971	Gurwicz et al.	318	252	
	12	3,668,418	06/06/1972	Godard	307	65	
	13	3,792,327	02/12/1974	Waldorf	318	139	
	14	3,898,937	08/12/1975	Johnson	105	61	
	15	3,970,160	07/20/1976	Nowick	180	65	
	16	4,090,577	05/23/1978	Moore	180	44	
	17	4,199,037	04/22/1980	White	180	65	
	19	4,204,143	05/20/1980	Coleman	318	341	
	19	4,217,527	08/12/1980	Bourke et al.	318	139	
	20	4,309,645	01/05/1982	De Villeneuve	318	341	
	21	4,369,397	1/18/1983	Read	318	54	
	22	4,423,362	12/27/1983	Konrad et al.	318	139	
	23	4,471,276	09/11/1984	Cudlitz	318	341	
	24	4,495,449	01/22/1985	Black et al.	318	60	
	25	4,523,134	06/11/1985	Kinoshita et al.	318	313	
	26	4,644,232	2/17/1987	Noiri et al.	318	66	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	



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	27	4,900,944	02/13/1990	Donnelly	290	3	
	28	4,961,151	10/02/1990	Early et al.	364	492	
	29	5,129,328	07/14/1992	Donnelly	105	61.5	
	30	5,212,431	05/18/1993	Origuchi et al.	318	139	
	31	5,264,764	11/23/1993	Kuang	318	139	
	32	5,317,669	05/31/1994	Anderson et al.	388	829	
	33	5,453,672	09/26/1995	Avitan	318	493	
	34	5,317,669	05/31/1994	Anderson et al.	388	829	
	35	5,332,630	07/26/1994	Hsu	429	20	
	36	5,359,228	10/25/1994	Yoshida	290	17	
	37	5,436,548	07/25/1995	Thomas	320	2	
	38	5,453,672	09/26/1995	Avitan	318	493	
	39	5,510,693	04/23/1996	Theobald	320	24	
	40	5,528,148	06/18/1996	Rogers	324	426	
	41	5,585,706	12/17/1996	Avitan	318	493	
	42	5,610,499	03/11/1997	Rogers	322	25	
	43	5,629,567	05/13/1997	Kumar	290	3	
	44	5,629,601	05/13/1997	Feldstein	320	6	
	45	5,631,532	05/20/1997	Azuma et al.	320	5	
	46	5,696,438	12/09/1997	Hamilton	322	12	
	47	5,698,955	12/16/1997	Nii	318	139	
	48	5,751,137	05/12/1998	Kiuchi et al.	322	14	
	49	5,765,656	06/16/1998	Weaver	180	65.3	
	50	5,820,172	10/13/1998	Brigham et al.	290	40	
	51	5,898,282	04/27/1999	Drozdz et al.	318	139	
	52	5,992,950	11/30/1999	Kumar et al.	303	151	
	53	5,939,861	08/17/1999	Joko et al.	320	122	
	54	5,964,309	10/12/1999	Kimura et al.	180	65.8	
	55	5,998,880	12/07/1999	Kumar	290	40	

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SHEET 3 OF 3

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	FILING DATE August 26, 2003	GROUP ART

	56	6,012,011	1/4/2000	Johnson	701	82	
	57	6,021,251	02/01/2000	Hammer et al.	388	801	
	58	6,023,137	02/08/2000	Kumar et al.	318	254	
	59	6,175,272 B1	01/16/2001	Takita	330	10	
	60	6,308,639 B1	10/30/2001	Donnelly et al.	105	50	
	61	2003/0160586	8/28/03	Donnelly et al.			2/27/2002
	62	10/649,286		Donnelly et al.			8/26/2003

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	63	873,167	03/24/1960	Great Britain	B62d			
	64	1,129,709	11/18/1966	Great Britain	B 60 1	11/00		
	65	1 312 699	10/10/1970	Great Britain	B60L	11/12		
	66	GB 2 005 205 A	09/02/1977	United Kingdom	B60L	11/00		
	67	WO 03/072388	09/4/2003	PCT	B60L	9/02		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	68	Thompson; "Electric Transportation"; <i>International Textbook Co., Scranton, Pa</i> ; 1940, First Edition, pgs. 254-262
	69	Mendler; "The Technological Opportunities of Hybrid Electric Vehicles"; <i>Society of Automotive Engineers, Inc.</i> ; 1996; pgs. 1-16
	70	Mercer; "Innovative Use of Horsepower - Hybrid Bus Powered by Gas Turbine"; <i>Diesel Progress</i> ; December 1997; pgs. 56-57
	71	Berg; "Concept Truck Addresses Future Clean Air Demands With Hybrid Turbine-Electric Powertrain"; <i>Emissions Alternatives Fuels</i> ; (date unknown); pgs. 55-57
	72	FMTV - with HybriDrive Propulsion System, pgs. 1-3
	73	Nene; "Advanced Propulsion Systems for Urban Rail Vehicles: Chapter 2: DC Drives with a Chopper Controller"; <i>Prentice-Hall, Inc.</i> ; 1985; pgs. 18-45

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